

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUCIO CELLI,

Plaintiff,

-against-

JUDGE LEHRBURGER et al.,

Defendants.

25-cv-4505 (AS)

ORDER OF DISMISSAL AND TO
SHOW CAUSE UNDER 28 U.S.C.
§ 1651

ARUN SUBRAMANIAN, United States District Judge:

Lucio Celli brings this action *pro se*. For the following reasons, the Court dismisses this action *sua sponte* and directs Celli to show cause, by declaration, within thirty days of the date of this order why the Court should not bar him from filing any future civil action in the Southern District concerning his termination from the New York State Department of Education (DOE) or the consequences of his termination without leave of court.

“[D]istrict courts may dismiss a frivolous complaint *sua sponte* even when the plaintiff has paid the required filing fee.” *Fitzgerald v. First East Seventh Street Tenants Corp.*, 221 F.3d 362, 364 (2d Cir. 2000). At the same time, courts are “obligated to construe a *pro se* complaint liberally,” *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), “interpreting it to raise the strongest arguments that it suggests.” *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006) (cleaned up).

Celli’s complaint cannot be interpreted to raise a single non-frivolous argument. His ire is directed at various members of the judiciary, but primarily Judge Lehrburger, who recently issued a report and recommendation that details Celli’s history of frivolous suits challenging his termination by the DOE, as well as his criminal conviction for threatening federal judges. Judge Lehrburger recommended that Celli’s complaint be dismissed and a filing ban in the Southern and Eastern Districts be imposed against him. *See Celli v. New York City*, 2025 WL 1810365, at *1, *16–18 (S.D.N.Y. May 27, 2025). Celli now sues, among others, Judge Lehrburger, New York City, the Department of Education, Randi Weingarten, Judge Engelmayer, Clerk Wolfe, Chief Judge Livingston, Judge Cogan, President Trump, and Santana. Although Celli’s complaint is difficult to parse and filled with rambling accusations, the gravamen of his complaint is that Judge Lehrburger recommended dismissal because he was paid to do so by Randi Weingarten, the president of the American Federation of Teachers. Celli’s complaint “incorporates all complaints since 2015.” Dkt. 1 at 50.

The Court will not rehash Celli’s litigation history here, given Judge Lehrburger’s careful treatment of the issue. Suffice it to say, Celli has filed frivolous suit after frivolous suit related to his criminal conviction and termination, all of which have been dismissed. *Celli*, 2025 WL


1810365, at *1–4. Celli also sends daily, ranting emails to judges and other court personnel, despite court orders requiring him to stop. *See id.* at *5–6. The instant action, which rehashes previous suits, and in which Celli already has filed twenty-five frivolous motions, is just another example of this pattern. Accordingly, Celli’s suit is dismissed.

Within thirty days of this order, Celli is hereby ordered to show cause by declaration why the Court should not ban Celli from filing any case in the Southern District concerning his termination from the DOE or the consequences of his termination without first obtaining leave of court. *See* 28 U.S.C. §1651(a); *In re Martin-Trigona*, 737 F.2d 1254, 1261 (2d Cir. 1984) (“Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions.”); *see also Moates v. Barkley*, 147 F.3d 207, 208 (2d Cir. 1998) (per curiam) (“The unequivocal rule in this circuit is that the district court may not impose a filing injunction on a litigant *sua sponte* without providing the litigant with notice and an opportunity to be heard.”); *Woodhouse v. Meta Platforms Inc.*, 704 F. Supp. 3d 502, 517 (S.D.N.Y. 2023) (“[T]he normal opportunity to initiate lawsuits may be limited once a litigant has demonstrated a clear pattern of abusing the litigation process by filing vexatious and frivolous complaints.” (citation omitted)).

The Clerk of Court is directed to terminate Dkts. 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 33, 34, 35, 38, 39, 40, and 47.

SO ORDERED.

Dated: July 25, 2025
New York, New York



ARUN SUBRAMANIAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Fill in above the full name of each plaintiff or petitioner.

Case No. _____ CV _____

-against-

Fill in above the full name of each defendant or respondent.

DECLARATION

Briefly explain above the purpose of the declaration, for example, "in Opposition to Defendant's Motion for Summary Judgment."

I, _____, declare under penalty of perjury that the following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court order. You may also refer to and attach any relevant documents.

Executed on (date)

Signature

Name

Prison Identification # (if incarcerated)

Address

City

State

Zip Code

Telephone Number (if available)

E-mail Address (if available)